UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,563	09/12/2001	Bernd Petzold	10191/2020	5713

26646 7590 10/31/2007
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
TO, TUAN C	

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
10/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/960,563
Filing Date: September 12, 2001
Appellant(s): PETZOLD ET AL.

Jong H. Lee
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/31/2007 appealing from the Office action mailed 04/14/2006.

(1) Real Party In Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any other related appeals, interference, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Boards' decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Ground of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be viewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon by the examiner as to the ground of rejection:

U.S 5,911,773 A Mutsuga et al. June 15, 1999

(9) Grounds of Rejection

The following if the final rejection applicable to the appealed claims:

Claims 16-20, 22-25, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Mutsuga et al. (US 5911773A).

With regard to claim 24 and 25, the U.S. reference to Mutsuga et al. has been cited as teaching a navigation system including a calculation unit which is the central processing unit (4) shown in figure 1(A) of Mutsuga et al, and that processing unit (4) calculates a first route and second route from the starting point to the destination point (Mutsuga et al., figure 2, central processing unit 4; figure 15A). In figure 2, the display (12) is described as a claimed reproducing device for displaying the navigation data including map and routes. As shown in figure 1(A) of Mutsuga et al, the communication unit (5) is provided for receiving the traffic disruption on the first route and second route, and the display device (12) reproduced the traffic disruption such as the congested section shown in figure 15(A). Mutsuga et al. also teach that the traffic disruption such as the traffic congestion on the main road from the point P to the destination (see Mutsuga et al, column 9, lines 61-67; figure 15A).

With regard to claim 16, the input means (11) shown figure 1(A) of Mutsuga et al. is configured to enable the user to select one of the reproduced route.

With regard to claim 17, Mutsuga et al. teach that the main road (first route) and the general road as a detour route (second route) are reproduced on the display (12) as partially shown in figure 15(A) when the congested section on the main road is determined.

With regard to claim 18, Mutsuga et al. teach that the traffic jam is fixed as the predefined route criteria (Mutsuga et al, column 6, lines 32-53)

With regard to claims 19 and 20, the navigation system disclosed by Mutsuga et al. further include an input mean unit (11) for weighting at least one route criteria.

With regard to claim 22, Mutsuga et al. teach that the information regarding traffic disruption includes information regarding traffic congestion (Mutsuga et al., column 6, lines 38-47).

With regard to claim 23, figure 15(A) taught by Mutsuga et al. clearly shows that the traffic disruption is reproduced altogether with the main road which is the first road (claimed first route) and the general road which is the second road (claimed second route). A congested section is specifically indicated on the main road.

With regard to claim 27, the input means (11) shown figure 1(A) of Mutsuga et al. is configured to enable the user to select one of the reproduced route.

Mutsuga et al. further teach that when the congested section of the main road (see Mutsuga et al, figure 15(A)) has been determined, another route (general route) begin to start from a new starting point to the destination.

With regard to claim 28, the communication unit (5) as represented above is configured to receive at least one type of traffic disruption such as traffic jam, and the display (12) is the reproducing device for displaying such the traffic disruption.

With regard to claim 29, the reproduction device is not only but also a speaker (16) as reproducing device for reproducing the acoustical signal to a user (Mutsuga et al., figure 2, speaker 16).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

(10) Response to Argument

Claim 25 recites the limitation "a reproducing device configured to reproduce the calculated first route and the at least one second route for selection by a user; and a communication unit configured to receive information regarding traffic disruptions on the calculated first route and the at least one second route, the reproduction device configured to reproduce the information regarding the traffic disruptions; wherein the reproducing device is configured to reproduce the traffic disruptions one of: a)in the form of isolines; and b)in the form of an isographic diagram."

The appellant traversed the rejection and argued that although Mutsuga et al. teaches the display of a congested route section in figure 15A, nothing in Mutsuga et al. or suggests display of isolines or an isographic diagram. The applicant's argument is not persuasive since in Mutsuga et al., specially shown in figure 15A, the congested section (or traffic disruption as recited in the claim) is presented by the isolines which are formed from each congested point. It is noted each congested point located in said congested section have equal value, thus isolines are shown in figure 15A of Mutsuga et al.

The appellant further pointed out in the brief that Mutsuga et al. only discloses that either a first or a second calculated route is able to be output on the display device, and there is no indication that both first and second routes are able to be simultaneously

displayed on the display for selection by a user. The examiner disagrees with this argument. Mutsuga et al. discloses a vehicle navigation system including a processing unit coupled to a plurality of units including a display device (12) for search optimal route from a present position to a destination and displaying the routes to user. Figure 15A of Mutsuga et al. shows that both the main route with a congested section and the general road displayed on the device of the navigation system, and that such the display is provided for the user to select when the user travels from the point P to the destination.

The appellant further argued, on page 6, lines 8-10, that a figure in the patent shows two routes does not mean that a visual display device simultaneously displays the two routes. Mutsuga et al. discloses a vehicle navigation system suggests route to a destination and repeats searching for a new optimal route in response to changes in traffic condition near the present position of the vehicle. The navigation system comprises a display device (12) (figure 2 and column 4, lines 19-25) for displaying route guidance on a screen in response to a request of the driver. Figure 15A of the patent clearly shows map of routes generating detours when there is a congested section on the main road. The display device (12) is clearly a device used to display the main route with congested section and the general road as a detour route.

For that reasons, the claims are not patentable over the cited prior art.

(11) Related Proceedings Appendix

The appellant's statement of related proceedings appendix in the brief is correct

For the above reasons, it is believed that the rejection should be sustained.

Conferees:

Tuan To

Meredith Petravick

Cuong Nguyen

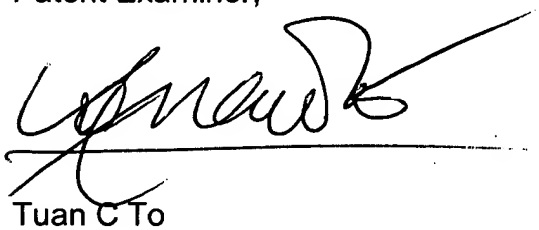
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,



Tuan C To

October 26, 2007